

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
-v-	:	<u>D E C L A R A T I O N</u>
	:	08 Cr. 576(RPP)
ANTHONY WHITE,	:	
Defendant.	:	
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I, Anthony White, hereby declare under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the defendant in this case, and I make this statement in support of a motion to suppress the evidence seized by law enforcement officers from an apartment in which I was an invited overnight guest in violation of my constitutional rights. Because this statement is being made for a limited purpose, I do not set forth every detail of what happened.

2. From time to time, I have stayed at my girlfriend's, Michelle Daise's, apartment at 230 West 129<sup>th</sup> Street in the Bronx. When I stayed over I had access to all areas in the apartment. I spent the evening of April 30<sup>th</sup>, 2008 and part of the next day in that apartment.

3. Before Michelle departed for work on May 1<sup>st</sup>, she left me the door key and asked me to buy some items for her at the grocery store before I departed.

4. I was sleeping when she left for work. During the late afternoon on May 1<sup>st</sup>, 2008, I was alone in the apartment. I heard loud knocking on the apartment door and knew it was the police. However, I did not respond.

5. Within a short time, the police had knocked off the "peep hole" on the apartment door. When I looked out from the bedroom, a police officer yelled out my name and said they would have the Emergency Service Unit break the door if I did not open it immediately.

6. I then told the officers that I would come out of the apartment, but that the police could not enter the apartment because it was my girlfriend's apartment.

7. When I opened the door, the police pulled me out, placed me in handcuffs and took me downstairs. No gun was found on me when I was arrested. As they removed me, I saw officers, more than four, enter the apartment.

8. I never gave the officers permission to enter Ms. Daise's apartment.

9. I do not live in that apartment, but I am a guest from time to time. My apartment is several blocks away.

10. Based on my conversation with my lawyer, I believe my constitutional rights were violated and the gun seized from the apartment should be suppressed.

WHEREFORE, it is respectfully requested that the firearm be suppressed.

Dated: New York, New York  
August \_12\_, 2008

Respectfully submitted,

By: \_\_\_\_\_  
ANTHONY WHITE

TO:

**MICHAEL J. GARCIA, ESQ.**

United States Attorney  
Southern District of New York  
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Attn: **MARK D. LANPHER, ESQ.**

Assistant United States Attorney